

# **Notice of Allowability**

Application No.

10/774,922

Applicant(s)

VIETMEIER, KRISTOPHER  
HENRY

Examiner

Jermie Cozart

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 4/11/07.
2. ☒ The allowed claim(s) is/are 40, 42-57, and 59-80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the title,

"method" has been deleted.

In the claims,

**Claim 42,** *Line 1, "41" has been changed to - -40- -.*

**Claim 43,** *Line 1, "41" has been changed to - -40- -.*

**Claim 46,** *Line 1, "41" has been changed to - -40- -.*

**Claim 50,** *Line 1, "41" has been changed to - -40- -.*

**Claim 51,** *Line 1, "41" has been changed to - -40- -.*

**Claim 52,** *Line 1, "41" has been changed to - -40- -.*

**Claim 53,** *Line 1, "41" has been changed to - -40- -.*

**Claim 54,** *Line 1, "41" has been changed to - -40- -.*

**Claim 55,** *Line 1, "41" has been changed to - -40- -.*

**Claim 56,** *Line 1, "41" has been changed to - -40- -.*

**Claim 59,** *Line 1, "58" has been changed to - -57- -.*

**Claim 60,** *Line 1, "58" has been changed to - -57- -.*

**Claim 61,** *Line 1, "58" has been changed to - -57- -.*

- Claim 62,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 63,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 66,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 70,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 72,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 73,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 74,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 75,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 76,**    *Line 1, "58" has been changed to - -57- -.*
- Claim 77,**    *Line 1, "41" has been changed to - -40- -.*
- Claim 79,**    *Line 1, "41" has been changed to - -40- -.*
- Claim 80,**    *Line 1, "58" has been changed to - -57- -.*

***Conclusion***

2.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.
3.    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
4.    Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 3726

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

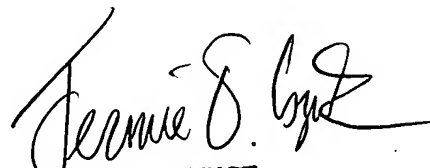
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**JERMIE E. COZART**  
**PRIMARY EXAMINER**

April 14, 2007